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International Court of Justice

H0950 - 0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDEROF THE TRIBUNAL DATED 13 MARCH 1946.

14 June 1946

(THE COMMISSION CONVENED AT 1000 HOURS)

COMMISSIONER:

Col. A.M.S. Neave

CORPS OF POLITICAL LEADERS

DR. ERNST HIRT, a witness, took the stand and testified as follows:

BY THE COMMISSIONER: Does the witness realize he is still under oath?

A. Yes.

XXX. COL. NEAVE: Mr. Nath

MR. NATH: (Defense Counsel for Corps of Political Leaders) Yesterday we stopped with the discussion on the position and the tasks of a Blockleiter. May I continue with permission of the Commissioner.

COL. NEAVE: Yes.

DIRECT EXAMINATION RESUMED

BY MR. NATH:

Q. Witness, were you ordered to regular conferences at the local group leader, and if so, how often xxxx would these conferences

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take place? Who was present and what points were under discussion?

A. Every week was supposed to take place a so-called conference evening. Blockleiters and Zellenleiters were supposed to take part in these conferences regularly. In reality there appeared on an average of about one-half of them. Besides the Blockleiters and Zellenleiters, it happened sometimes that representatives of the National Socialist Welfare League, and also air raid percaution people were present, If it so happened that xxxx tasks were under discussion which were connected with the activities of these representatives of the air raid percaution. However, essentially the air raid xxxx tasks pertaining to Block and Zellenleiters were discussed by the local group leaders. For instance, measures pertaining to the commitment of labor air raid percaution measures, collection of used material, the tasks of caring for those who suffered bombing damages from flyers, and similar plans.

Q. What was the tendency recognized in the local Blockleiters pertaining to political efforts?

A. This is what usually took place. The local Ortsgruppenleiter put up an outstanding figure of an outstanding Nazi leader as an example. He discussed the success of the troops positions, chance for victory and also praised the achievement of the German labor population, but I personally noticed especially that the Ortsgruppen-leiter very definitely avoided any reference to the actual political ends of the party leaders. Only general matters which one could hear about from the radio and informed about by the press were discussed. Obviously the main interests of the high leaders was to again spur on the efforts of the Zellenleiters and Blockleiters in the direction of tasks which were previously described here.

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Q. Were there any direct connections between the Blockleiters to the higher authorities as for instance, the Kreisleiters or the Gauleiter?

A. There was no such connection.

Q. Were the Blockleiters informed of the results of the meetings of the Kreisleiter and Gauleiter?

A. Only in so far as the work of the Blockleiter and Zellenleiter was touched by it.

Q. And how was that elucidated?

A. These are ~~xxxx~~ tasks, of course, multiplied due to the war conditions.. It may have appeared to the Gauleiter and Kreisleiter that we did not put enough work into it on our part. The Gauleiter seemed to have informed of this. And then these higher authorities sent down admonishments to please ask the Blockleiters and Zellenleiter to put more effort into their work, and itmight have happened that new tasks were assigned to these people.

Q. Were these new ~~xxxx~~ political tasks or were these tasks referring to the relief and welfare work?

A. We had none or only in very small measures to fill of any tasks of a political nature. We were wartime Block and Zellenleiters. It was up to us to have achieved the trust of the population particularly in the fulfillment of our tasks.

Q. Witness, the prosecution submitted, referring to the organization book of the party, that the Blockleiters who had the closest connection with the population - that is they were most suited to influence and supervise the population from a political point of view. Mr. Justice Jackson has designated as little Caesers

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who terrorized the population. Is that correct?

A. According to the way I have seen and noticed things, this is not correct at all in any case. According to my observations those Blockleiters and Zellenleiters who worked during wartime in such capacity have only with great discussion fulfilled their duties. The main profession of each party member was very difficult. There was a great deal of additional work for him during the war in the exercise of him in his regular profession. It was the second world war. The misery of the people rose from day to day. Everyone took care of himself and his family members. He had neither the desire nor the time to influence the population politically in any direction whatsoever. Therefore, one cannot speak of us as little Caesars or little leaders. As far as any individual fanatics might have been guilty of such things, the whole of the Block and Zellenleiters cannot be made responsible for their actions.

Q. Col. Storey has submitted #1383, dated December 18, 1945, that the Blockleiter were representatives of the German police. In fact it ~~were~~ are the Blockleiters who were the little leaders with regard to authority over the citizens. Is that correct?

A. No. We had no political authority whatsoever. We also had no power whatsoever over the individual block residents. To the contrary we had to be obliging to the Block residents; otherwise, we would not be able to achieve the fulfillment of our tasks. For instance, where collections are concerned and air percaution measures.

Q. The prosecution submits further that the Blockleiters

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were in a position without legal authority by any court to confiscate property and to deprive Block residents of their lives even. Were the Blockleiters ever authorized in such a way?

A. That never was the case. Toward the Block residents we had only duties and no depriving whatsoever.

Q. The Organization of the Party, 1943, Page 71, reads: The Hoheitstraegers and the SA within his district can request the competent SA leader if he requires them in order to fulfill the political tasks with which he has been burdened. This is an oral statement of the prosecution, German 1390, dated 17 December 1945. As a Blockleiter were you designated Hoheitstraeger? I shall later discuss the concept of Hoheitstraeger. Were you as a Blockleiter authorized to requisition or commit the SA or any other organizations as the SS or the Hitler Youth?

COL. NEAVE: Dr. Nath, let him answer these questions separately. First question was who designated Hoheitstraeger?

DR. NATH; I submit that he is a Hoheitstraeger and later on wish to elucidate on that question.

COL. NEAVE: Didn't you ask him if he was designated Hoheitstraeger? Go on. You stated that the man was a Hoheitstraeger

BY DEFENSE COUNSEL:

Q. I wish to know if as a Blockleiter whether he was designated as a Hoheitstraeger.

A. If necessary at all it should have been the Ortsgruppenleiter but it was completely impossible for me.

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Q. Were the Blockleiters authorized to make arrests for political or any other reasons?

A. Never.

Q. Or a house search?

A. Never.

Q. Could they make arrests out of the SA or SS or any other organization?

A. That was entirely out of the question.

Q. Has any party authority ever at any time ask such actions of the Blockleiters?

A. Never.

Q. What were the connections between the Blockleiter and other Nazi organizations. As, for instance, the SD or the Gestapo?

A. There were no connections whatsoever.

Q. How much and within what areawas the connection between the Blockleiter and the National Socialist Welfare Leaders?

A. It has happened that the National Socialist Welfare Leaders organizations has contacted the Blockleiters by way of local group leader and Kreisleiter if it was a question of collections or other similar activities.

Q. Col. Storey has submitted that the Hoheitstraeger had to supervise all the party officials within their area and that they were also responsible for the discipline, but would it fall to the Blockleiter to supervise party authorities?

A. No.

Q. Page 101 of the Organization Book, called PS 1893 reads: It is for the Blockleiter to find the propogator of harmful rumors

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and to report to the Ortsgruppen so that competent state authorities may be notified. Were the Blockleiters or the Ortsgruppenleiters or other authorities asked to spy on the residents of their blocks and to report them by name, as submitted by the prosecution referring to the Organization Book. The German text, page 1282, 17 of December 1945.

A. Such order to spy and to inform were not received by us as far as it fell within the scope of my observation. It would have beencontrary to our entire position as opposite to the resident block. We could not achieve anything working against the population. Rather we had to work with them and certainly informing on them would not have been the way to do it. It is correct that every German, according to the press, radio, and speeches of the Ortsgruppenleiter were asked to report on any one who spread harmful rumors. This was expected of every Germany and not only the Block and Zellenleiters. It was up to each individual German, whether he wanted to humiliate himself to become an informer or whether he did not want to do so. For every decent German whether he was a Blockleiter or Zellenleiter there remained the thought that the word scandal in each country is and remains with the informer.

Q. Do you know of any case where a Blockleiter or Zellenleiter has led on a German citizen and caused him to make damaging statements and denounce him so that the person concerned would come before a court or even was put in a concentration camp or that he suffered any other disadvantages from it?

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A. In my local group, I didn't know of any such case.

Q. It is correct that it was for the Blockleiter to write a regular morale report and what sort of morales were concerned?

A. I know nothing about morale reports to be written by either the Blockleiters or Zellenleiters. I can recall that the Ortsgruppenleiter once mentioned that he had to submit morale reports to the Kreisleiters and Gauleiters. That is why he asks us to tell him about the real morale of the situation of the population even though it may have been unfavorable.

Q. Have you heard of such morale reports containing names of individual citizens?

A. No, never. This is a matter of merely finding out the general morale of the population about which the local group leader wished to find out. For instance, whether air raid percaution measures were considered to be efficient.

Q. I'm submitting to you witness, an order of the deputy of the Fuehrer #127, dated 5 October 1936. This order is reproduced in Document # 2639 P.S., Page 328, to 330. This order reads: The Reich war minister has consented to the relief and care of soldiers' families by the party and in particular by the Block and Zellenleiters. This directive is to be published in all party offices, including down to the Zellen and Blockleiters, and the confidence of the faith which isbeing had into the good work of the Zellen and Blockleiters, and then the directive of Hess is being quoted verbally. I quote; Never must the Zellenleiter and Blockleiter become obnoxious. The care and relief should never become spying and informing. This

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would not evade confidence. We have here an official party directive which ~~xxxxxxxxxxxx~~ expressively forbides the Zellen and Block-leiters to act as informers. This would lead to destruction of the confidence which it was up to the Block and Zellen-leiters to acquire from the population." Witness, did you know this prohibition and was it valid in practice in particular?

A. We are not acquainted directly with the directive originating from the deputy of the Fuehrer. I know nothing about the Soldier's families having had such care. The Block - leiters were asked to fulfill the task of relief and care without any discremination about any residents of the block. I have said before that we had no order to work as informers and exactly the order which we had to acquire the confidence of the residents of the block persons Informing and spying were excluded from our work.

Q. Were you and the Blockleiters acquainted with the Organization book by Ley. Was the ~~xxxxxx~~ special attention of the Blockleiter called to this book and was it observed in practice?

A. As far as my observations are we did not know the Organization Book by Ley. Our special attention was not called to it. It is possible that from other sources other people may have been acquainted with the existence of this book.

Q. I now wish to discuss with the witness the concept of Hoheitstraeger pertaining to the Block and Zellenleiters. I shall ask you first what your concept of Block and Zellenleiters withwhom you were acquainted was with the other Hoheitstraegers?

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A. I do not believe that myself or any of the others had any very clear idea or had made themselves think on the subject of the meaning of the word Hoheitstraeger. The idea that we might have been Hoheitstraegers was completely strange to us. We considered the Ortsgruppenleiter as a Hoheitstraeger, because he was in possession of the political and directive rights.

Q. Were the Block and Zellenleiters in power with Hoheitstraegers over the residents of their block? In other words were the Block or Zellenleiters in a position to give them obligatory orders - political kind in any mater whatsoever?

A. That was entirely impossible.

Q. Who besides the Ortsgruppe had Hoheitstraeger ~~xxxxxxxx~~ sovereignty and consequently might have been designated as a Hoheitstraeger?

A. According to our ideas those were the Kreisleiters and Gauleiters.

Q. I am submitting to you, witness, a directive of the deputy of the Fuehrer, dated 25 October 1934. It is to be found in the book directive of the deputy of the leader 1937. The prosecution has submitted this as document P.S. 2639. I'm referring to the paragraph #1 of the directive which reads as follows: The political leadership within the party and any other authorities outside of the party which consists of the state and other ~~xxxxx~~ authorities is contained solely and only with their Hoheitstraeger. That is to say with myself, with the Gauleiter, with the Kreisleiter and the Ortsgruppenleiter. This order only goes down to the Ortsgruppenleiter. That is to say it does not go down as far as

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Zellen and Blockletier. Has this directive been followed also in later years. That is to say between 1937 and 1945?

A. We knew nothing but that the Ortsgruppenleiter, the Kreisleiter and Gauleiter were those Hoheitstraeger competent for us.

Q. Later I am taking the liberty of submitting to the Commission several documents of later years which will show clearly that Hoheitstraeger are counted only from Ortsgruppenleiter on upward. The relative documents are at present in the translating department. The prosecution has submitted under C-9, the German text of the minutes of the records 1386, 17 December, that the Hoheitstraeger are a special group appearing recognizable within the Corps of Political Leaders. This was proven by the publication of the magazine Der Hoheitstraeger. Were you acquainted with the publication of Der Hoheitstraeger, and was it sent to the Blockleiters from the high authorities?

A. We did not know of the existence of this publication, and we definitely were not informed of such. I'm not acquainted with the fact whether one or another heard about it from different sources.

Q. The prosecution has referred to the list records, Page 1386, dated 17 December 1945, which show that this publication was permitted only to very definite characterizations designated Hoheitstraeger and Political Leaders; however, the prosecution has refrained from submitted that exactly the Block and Zellenleiter which was by far the largest part of the Political Leaders - 93% were not permitted to receive this

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publication. I am referring to document PS 2958, U.S.A. 325, it is the magazine, Der Hoheitstraeger, series #2, 1939, and I refer you to the first inner page. This shows the distribution diagram. I am showing to the witness a notorized copy of this distribution diagram. This shows that the lowest sector which was permitted to receive this publication was the Ortsgruppenleiter.

LT. COL. GRIFFITH JONES: May I see it, please?

BY DEFENSE COUNSEL:

Q. Furthermore I am showing you a copy from the same document PS 2958 which shows that the magazine publication Der Hoheitstraeger was to be kept secret, was only restricted and was not to be given into any other hands than those people who were mentioned expressively in the distribution plan which was just mentioned here.

COL. NEAVE: Col. Jones Griffith do you want to see this other document?

LT. COL. JONES: Yes.

BY DEFENSE COUNSEL:

Q. That is to say the lowest political leader, the Blockleiter and Zellenleiter were according to the ones eunumerated in the publication of Der Hoheitstraeger, excluded from these. Could you express this fact to the Commission in respix respect to the position of the Block and Zellenleiter?

A. The facts submitted here before the Commission show without any doubt that we were not put there by the party as Hoheitstraeger. The reasons for this will be found in our exceedingly close connections with the population, and authorities did not think it right to have enought confidence in us to inform us about certain matters which are to be kept secret for fear that they would infiltrate the population.

Q. I am now coming to an entirely different part of questions. Will you inform us whether the Blockleiters, known to you, were members of the Christian confession?

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A. I did not know among the Blockleiters and Zellenleiters with whom I was adquainted any one who was not a Christian or who had resigned from the church.

Q. Did the Block and Zellenleiters belonging with your Ortsgruppenleiter take part in church activities? For instance, would they take part in the processions?

A. I know of such a thing. Only Catholics took part in processions..

Q. Did the Blockleiters receive diredtives from any party authority, particularly from the Ortsgruppe to resign from the church?

A. No such directives were given.

Q. I am now coming to the questions regarding the responsibility of the Political Leaders in regard to the conspiracy. The prosecution in the document II, German text, page 15, and all records, German text, page 1368, dated 17 December 1945, has submitted that the Political Leaders of the Nazi party have followed a common plan or a conspiracy and had taken active part in it, and that execution of this common plan or conspiracy, first, crime against the people, crime against the rules of war and three to commit crimes against humanity. The prosecution says from the party practice the main parts of the Nazi program for conquest and domination. Trial brief II, German text, page 15, protocol page 1397, dated 17 [redacted] December 1945. I want to submit to the witness the individual points of the program and I shall ask you to take an attitude towards this from the point of view of the Blockleiter. First, the incorporation of all Germans in Grossdentsches Reich, pertaining to this it reads in the party program part I. "We asked for the union of all German of self-determination of people into a Grossdeutschland." Will you elucidate this?

A. After thispoint one of the program, no right thinking German could possibly have an idea that this end would be achieved by such like doings.

Q. With regard to the question pertaining to the cancellation of the Treaty of Versailles, point #2, We ask equal rights of the German people towards other

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nations. The cancellation of the peace treaty of Versailles. What was the understanding of the Blockletiers and Zellenleiter of this point.

A. It is based upon the experience. It always has been that vanquished peopled tried to find easier conditions pertaining to the original peace treaty or to even have it cancelled. History has also proven that such efforts were usually unsuccessful because the living together of peoples made it necessary that such pressing conditions had to be removed. Such an aim could not seem of harm to the German people. Of course, one only thought of the peaceful regulations of the situation by contract on an international basis.

Q.Point three of the party program pertaining to the demand for land and soil. I quote, "We demand land and soil, colonies, to feed our people and to settle our surplus population". Were these program points taken to mean a plan to take a conquest of foreign territory?

A. No decent German thought such a thing. He could not possibly think of such plans because he was not made acquainted with pertinent plans of the highest party of state leadership. The German people thought that the demand for return of the colonies was particularly reasonable in view of the fact that the last war had brought about economy distress and unemployment.

Q. In which way were these points of the party program to be achieved - legally, illegally, by war or peaceably. Will you please tell the court about this especially for the Block and Zellenleiters?

A. We thought only of a peaceful legal solution of this problem. The highest party and state office authorities underlined exactly that. It is only today that we can recognize and know that we were cheated.

Q. Will you stick to your view if I submit a document to you which was that in July 1941, Hitler intended to incorporate into the Reich area the Crimea, Alsace, the Baltic states and also other Eastern territory in order to exploit. That is the first and latter to settle Germans there. It is here in

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the document submitted by the prosecution marked L - 221, document USA 317. It refers to the discussion of of the ~~zsuft~~ conference in the Fuehrer's headquarters, 16 July 1941. I am submitted to you a notorized copy of the document mentioned, and I shall ask you to pay attention to #2 page 2 of my copy. Where it is mentioned the incorporation of Crimea, etc.

Com. B
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Noll
14 June 1946

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

COMMISSIONER:

Colonel Neave

CORPS OF POLITICAL LEADERS

ERNST HIRT, a witness, took the stand and testified as follows:

BY DR. NATH:

COLONEL NEAVE: Wait a minute, Doctor. Why should a person in the position of a blockleiter be asked this question?

DR. NATH: He is to take an attitude to the fact that opposite to his views regarding the party program, the highest party authorities acted secretly against the stated matter. And he is to tell the Commission of the attitude of the group leader to the action of the higher authorities in Vienna in 1941.

COLONEL NEAVE: I see.

Q. Would you also see Page 4 of my copy No. 3, the third paragraph from the bottom, which talks of the Empire Baltic Territories becoming a part of the Reich area. A little further it is said that the Baltic colonies and the peninsula also must come to Germany. Will you please take an attitude toward this from the point of view of the Zellenleiter.

A. The block and zellen leiters were fictitiously told by the higher authorities, gauleitung and kreisleitung, that the struggle of the German people was for their very existance and that they had no thought of conquest and settlement in foreign countires or anything like that. The war had been always represented to be a war of defense, and never a war of conquest. It is most moving to find out today what were the secret ideas and intentions of the so-called "fuehrer", which he kept from us.

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Q. Did the blockleiters participate as instigators or accomplices on the drafting or execution of a common plan or of a conspiracy whose aim was the bringing about of a crime against the people? I quote the formulation of the main indictment. What was the knowledge of the block-leiters and zellenleiters of such a plan or conspiracy?

A. We didn't have the slightest idea of such a plan. It is inconceivable to me how one could possibly ever harbor the suspicion of such a thought. One should think over the following...

COLONEL NEAVE: We don't want to hear his personal views. We must hear what the blockleiters thought.

Q. Will you please formulate your answers in such a manner that the Commission will know what the reasons were for the blockleiters not to be acquainted with such a plan.

A. I wanted to express the same thing, but I can formulate it differently. In order for all block and zellen leiters to become acquainted with such a plan, it should be a pre-condition that such a plan would have been published.

(Recess)

COLONEL NEAVE: Dr. Nath, will you go on.

Q. Have the blockleiters or the zellenleiters learned within the framework of the party organization anything of a plan for aggressive war, for instance, against Poland?

A. At that time I was not a blockleiter. But I have learned from subsequent conversations with other blockleiters that they were, just as the other people as a whole, totally surprised by the outbreak of the war. Above all, nobody realized that the war had been started

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arbitrarily by Hitler and that he pursued aggressive aims by doing it so.

Q. How did the blockleiters and zellenleiters react to the outbreak of the war?

COLONEL NEAVE: Wait a moment. He wasn't a blockleiter at that time, was he?

DR. NACH: I believe, on the basis of the conversations he had subsequently, he could testify to that.

COLONEL NEAVE: Very well.

A. From my conversations with blockleiters I have decided that nobody expected the war. Everybody considered the outbreak of the war a national disaster.

Q. I am now coming to point four of the party program: unequal evaluation of races, and anti-Semitism. I quote from the party program: "A citizen can be only the person who is a member of the German folk. A member of the German folk can be only one who is of German blood, regardless of his faith, and therefore no Jew can be a member of the German folk." It cannot be denied that that part of the party program means a discrimination against citizens of Jewish faith, and, as a consequence of that point, the most terrible persecutions have resulted. How did the political leaders--blockleiters and zellenleiters--whom you have known, interpret that part of the party program?

A. Nobody can deny that that part of the party program meant discrimination against the Jews. But the decent part of the German people did not want to have any part of such discrimination. That is equally true of the blockleiters and zellenleiters. But after Hitler's seizure of power, no individual had any means to oppose the carrying out of the party program

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unless he desired to become a hero or a martyr--and not everybody had the ability or the desire to become such. An open fight against the anti-Semitic program of the party was for the individual nothing but a ticket without a return ticket into a concentration camp. But, in the first years of the Hitler regime, it was obvious that the Jews, ~~xxxxxx~~ at least part of them, were granted means to emigrate. Jewish civil servants, for instance, were retired, either with full pension rights or with part pension rights. And so we hoped that the Jewish question which had been made a point of action for the party would be solved in a decent and honorable fashion. And we could not anticipate in any way that the final solution of the Jewish question would be brought about in such an indecent and brutal way.

Q. The Prosecution further refers in this connection to Point Six of the party program, in which they state a challenge ~~xxxxxxx~~ was made to the democratic system. It remarks as follows: "We demand that every public office, regardless of what kind, in the Reich, in the land, and in the community, should be held only by citizens. ~~We are fighting against the parliamentarism~~ We oppose the corrupt Parliamentary custom of the State of filling a position merely with a view to Party considerations and without reference to character or capacity." ~~with its corrupting influence and the filling of positions practiced only by the point of view of one party and not taking into consideration character and ability.~~" Did the blockleiters and zellenleiters consider this part of the party program--a plan to dominate the people, with the final aim of carrying out a joint plan and conspiracy to commit crimes against the people?

A. We interpreted that part of the party program only as ~~xx~~ a means

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to abrogate in a legal manner any ill practices in the administration. We were in no position at all to recognise that military or aggressive aims were hidden behind those words.

Q. In regard to armament, the party program says, quote, "We demand the abrogation of a mercenary troop and we demand the formation of a people's army." Did that demand a plan for a future war, and how did the blockleiters understand that part of the program?

A. Since other people, too, had general conscription, we could not assume that the re-introduction of conscription in Germany would mean aggressive warfare. It was the understanding of ourselves, as well as the understanding of the German people in general, that the re-introduction of general conscription would mean nothing but a good ethical and social training of the German people as a whole.

Q. I summarize, and I would like to ask you also for a brief summary reply. Did the political leaders--blockleiters and zellenleiters,--consider the above points of the party program as a basis of a common plan or of a conspiracy to dominate or to conquer their own nation or foreign nations and then, further, to commit crimes against the people, the rules of international warfare, and humanity?

A. We could not draw any conclusions from the points of the party program in regard to dominating or conquering intentions of the party or the State. That was the plan the supreme leadership of the party and the State was bound to keep secret. Because we were the lowest level of party leaders and were in close contact with the people, we would have been the ones who would have informed the people of the intentions of party

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and State leadership. And it is a generally-known fact that Hitler gained power and maintained power only by propaganda ~~in~~ and by deceit and keeping the people dumb and stupid and uninformed about his intentions. But, if it was the intention of Hitler to keep the people dumb and uninformed, then it was absolutely necessary that we, the lowest leaders of the party, should be kept dumb and uninformed. And it was particularly obvious at all those meetings held for us by the Ortsgruppenfuehrer. That Ortsgruppenfuehrer was well in a position to deliver beautiful speeches on heroes and the achievements of the party and its leaders, but kept well away from discussing any ~~pak~~ plan of the party leadership.

COLONEL NEAVE: I think that question has been answered sufficiently.

~~DR. NATH xxx I xxxx

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Christian Church. We would like to determine the part the political leaders played in the persecution of the Christian Church and what knowledge they had of it. Did the party leadership give to the block and zellen ~~leiters~~ ~~xxxxx~~ leiters information as to its attidude toward Christianity and the Christian Church? Was it done ~~xxx~~ either through the Ortsgruppenfuehrer or through other party channels or training organizations of the party?

A. Everybody knew that the party endeavored to weaken the influence of the Christian churches. And that attitude particularly produced much hostility and opposition against the party among the people. But we were not told what the future intentions of the party leadership toward the churches were. But it is characteristic that our Ortsgruppenfuehrer told us that we should avoid, as far as possible, ~~x~~ difficulties with the ~~xhx~~ church and its ministers. I do recall that, at meetings with the Ortsgruppenfuehrer, some block and zellen leiters made inquiries in regard to certain ministers who had been reported to have made statements which ~~x~~ could be interpreted as being hostile to the party. Residents of their blocks had told them so, and they inquired what action they should take. And then the Ortsgruppenfuehrer replied that they should refrain from becoming involved personally, as zellen or block leiters, in that controversy. That should be taken care of by other officials. I personally interpreted that as reference to the SD and the Gestapo, which actually supervised and surveyed the ministers.

Q. A large number of Protestant and Catholic ministers and members of religious orders were arrested by the Nazis and brought into concentration camps. The property of the churches was confiscated. Did the party membership inform the block and zellen leiters of the reason for such actions?

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A. In ~~xxxx~~ numerous speeches, in training courses in meetings, we were often told that the ministers of both the Christian churches didn't care for the party, and that they even openly or in a hidden way were fighting the party. The overwhelming majority of the block and zellen leiters had a Christian attitude, and therefore we knew well our ministers. And we therefore knew that whenever ministers spoke out against the party, they did so only in the performance of their duties. And the real reasons of the fight of the party against the churches we never were told. And we realized that those fake reasons which were given to us as the reason for the fight of the party against the churches were not the real reasons we understood.

Q. Did the block and zellen leiters have to participate in those measures, and did they have any influence on them?

A. We neither had to participate in them, nor did we have any influence on them, and we learned of single instances only through the press.

Q. The Prosecution has made reference to a number of documents, for instance correspondence between the highest leaders of the party--Himmler, Rosenberg, and the Party Chancellory, also between Heydrich and Himmler. This is incorporated in the pages of the German text ~~compages~~
I believe that the Prosecution will agree with me that I refrain from discussing these pieces of evidence because one cannot assume that that correspondence between the supreme party leadership and the SS leaders could be made part of the indictment against the block and zellen leiters. I therefore limit myself to the questions which have been asked in conjunction with that matter. The second point of the part which the political leaders played in the conspiracy the Prosecution refers to is the destruction of the trade unions. The Prosecution states, and I quote from the trial brief:

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Book 2, Page 1449 of December 18th: "Soon after the seizure of power, prominent members of the Nazi party ~~xxxx~~ participated in the destruction of the free trade unions." That the lower ranks of ~~xx~~ political leaders, such as blockleiters and zellenleiters, did not have anything to do with it is proved by the fact that the Prosecution admits that this was done by the most prominent members of the Corps of Political Leaders. The only thing which is relevant in this conjunction, therefore, is that the Commission will learn from you whether the block and zellen leiters knew, in regard to the destruction of the free ~~xxxx~~ trade unions, and whether they considered this knowledge as an example of the knowledge of those political leaders of the joint conspiracy. Do you know, Witness, who caused the destruction of the trade unions? Did the block and zellen leiters consider that ~~xx~~ a part of the conspiracy or the joint plan?

COLONEL NEAVE: Well, did they know there was one?

DR. NATH: I feel that the question was not answered.

Q: Did the block and zellen leiters consider the destruction of the trade unions as a part of the conspiracy?

A. We did not draw that conclusion in any way.

Q. Was there any connection between the block and zellen leiters and the German Labor Front and the National Socialist Organization cells in different plants? Were they in position to give orders to those organizations, The German Labor Front and the National Socialist plant cells or their members?

A. There was no connection of any kind with these block and zellen leiters, and those two organizations, and we therefore did not have any authority to give instructions to them.

Q. It is claimed that there is a responsibility of block and zellen

H0950 - 0026

leiters for the activities of the Einsatzstab Rosenberg in occupied territories. Did the block and zellen leiters know what the Einsatzstab Rosenberg was and what its functions were?

A. We never heard of the Einsatzstab Rosenberg nor its functions.

Q. I am coming back to the possible participation of the block and zellen leiters in the treatment of the Jewish population. The indictment stated that more and more severe measures were taken against the Jewish population. I am referring, for instance, to the wearing of the yellow badge by Jews, to violent action against Jewish individuals and Jewish property, of the use of Jews for forced labor, the restrictions of food rations as far as Jews were concerned. Have the block and zellen ~~xxxxxx~~ leiters had any share in the carrying out of these or similar measures? Did the party leadership give instructions to the block and zellen leiters, and, if so, what kind, to participate in those anti-Jewish measures?

A. I do not know anyth-ing whatsoever of the participation of block and zellen leiters and certainly not on the basis of of instructions from the party leadership in any way of anti-Jewish measures.

Q. Now I am coming to those points of the indictment which consider violation of international law in regard to warfare. As far as the block and zellen leiters are concerned, I have to dwell on the following point: The Corps of Political Leaders is charged with the murder, ~~xx~~ the wounding, and ill-treatment of Allied aviators who were forced to make emergency landings in Germany or in occupied territories. The Prosecution has submitted a ~~xx~~ document, a letter by Reichsleiter Bormann of 30 May 1944, PS 057, USA 329. I am giving you this short letter. That letter states that aviators who bailed out or had made emergency landings had been lynched by the outraged populations, and the letter continued: "No

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police or legal action has been taken against those members of the people who participated in those actions." The Prosecution stresses that that instructions has been given to the attention of the Corps of Political Leaders and that the key of distribution contains the reichsleiters, gauleiters, kreisleiters, and the leaders of the party organizations. And the ortsgruppenfuehrers should be informed of the directive only orally. Please look at the bottom of that document with the key of distribution and the statement by some man by the name of Pflueger, who said that the ortsgruppenfuehrers should be informed only orally. At that time you were a block-leiter, were you?

A. Yes.

Q. Were the blockleiters informed by the ortsgruppenfuehrers or any other party official of the content of the Bormann letter?

A. I am definitely certain that we never learned of that letter in any form.

Q. Did the blockleiters receive any kind of instructions as to how hostile aviators who had to bail out were to be treated?

A. No, we never received such instructions either.

Q. The indictment also is concerned with the treatment of foreign labor and PW's in Germany. Did the block and zellen leiters have anything to do with the PW's or foreign laborers, their treatment and their feeding?

A. We had nothing to do with those things.

Q. I would like to show you an instruction which Hitler gave in 1939 to Reichsleiter Bouhler and Dr. Brandt in regard to the so-called "mercy death", euthanasia. This has been also used in the indictment against the political leaders. It is claimed that Hitler granted to a certain group of doctors the privilege of giving that so-called mercy death to those ill

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people who were considered beyond all ~~xxxx~~ human treatment. German text, Page 1423, session of December 17th. Did the block and zellen leiters learn anything about the order by Hitler through party officials, and how that order was carried out?

A. Nobody informed us about that order.

Q. I have reached the end of my interrogation, and I would like to ask you finally, Witness, as to ~~xx~~ whether the block and zellen leiters consider themselves guilty in connection with the ~~xxxxxxxx~~ indictment.

A. The block and zellen leiters as a unit consider it a grave injustice that they should be charged with such an unjust ~~xxxxxxxx~~ indictment~~xxxxx~~ insofar as they were innocent and idealistic servants that considered their duties nothing but service to the people and to the State.

COLONEL NEAVE: I think that is a very wide question. Colonel Griffith-Jones, do you wish to start now?

~~XXXXXCOLONELXGRIFFITHXJONESX Ixwantxtoxaskxyouxaxlittle~~

CROSS-EXAMINATION

BY COLONEL GRIFFITH-JONES:

Q. I want to ask you a little about your opposition to the Nazi party, which, I understand, continued ~~xx~~ up to the time when you became a war blockleiter.

A. My opposition to the Nazi party continued until the last day, and we enemies of the Nazi party longed for the end of the Nazi system, and the liberation, as much as did the other peoples of the world.

Q. Can you tell me the grounds of your opposition? I don't want this to be ~~xxxxxxx~~ very long; just give me the headings.

A. The main reason was of a domestic nature~~s~~ I refer back to my

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work as a judge in Guntzenhausen from 1929 to 1933. During that period, the so-called "fighting period", the Nazi party, with the SA and the SS, came more and more into the center of public interest. I was a criminal judge during that period of time, and I was amazed to find out that there were many criminal elements who jumped on the band-wagon of the Nazi party. And during that period of time there were several outrages committed by the exponents of the Nazi party--attacks against people who adhered to ~~xx~~ other political thoughts. And I, as a judge, had to say to myself, "If such elements form the Nazi party--even only part of the party--then there cannot be truth behind the program of the Nazi party."

Q. Perhaps I can interrupt you there to ask you one or two questions on what you have said. Was that view held by the decent element in Germany?

A. This I can't tell, because I don't know how the Nazis behaved in other places.

Q. Was it the Corps of Political Leaders in those early days that were responsible for the running of the Nazi party?

A. I didn't even know the concept of the Corps of Political Leaders in 1933.

Q. ~~Yxxxkxxxxxdidxyxxxxxxxxxxx~~ You know, do you not, that there had been a Corps of Political Leaders coming into power anyway?

A. In 1933 I didn't know anything about it.

Q. But you know now that they did exist then?

A. Even today I do not know whether such a Corps of Political Leaders existed before 1933.

Q. You told us that it was the worst elements in Germany that "jumped onto the band-wagon of the Nazi party." Was it such people that became the early leaders of the Nazi party and held positions of influence in the party?

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A. I merely stated that I, as a criminal judge in Guntzenhausen, found that criminal elements had been admitted tothe ranks of the party, and that they adhered to the Nazi program. Whether they gained any leading positions, I don't know, because I had no knowledge of the internal party structure.

Q. Now, please go on and give us your reasons for being opposed to the Nazi party between 1933 and 1935.

A. I stressed already that I doubted the honesty of the proclaimed goals of the party. Many Germans believed Hitler during the "fighting period" and later. I, myself, never could resolve to adhere to such a boundless belief, because certain events had made me doubt the honesty of such intentions. I already mentioned that, in May 1933, police arrested and brought to me two Nazis who had thrown bricks into Jewish store and restaurant windows. It was my duty; I held those people since they denied it. The local SA leaders tried to compel me to set those people free. I did not allow myself to be compelled. They took revenge.

COLONEL NEAVE: Can't he answer these questions without so many reminiscenses?

COLONEL GRIFFITH-JONES: Thank you. I was just going to stop him.

Q. You have told us about that incident, and I want to ask you this on it. You say you were threatened by disciplinary action if you refused to let them out of arrest.

A. Yes; I was transferred,as a disciplinary action, from Guntzenhausen to Nurnberg.

Q. Who transferred you?

A. The Bavarian Minister of Justice, Dr. Frank.

Q. You did mention that when you said "disciplinary action"; by whom

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was that disciplinary action taken?

A. It was taken by the Bavarian Minister of Justice; and at that time I also had to defend myself against the accusation that I had spread the rumor that SA elements had set the Reichstag fire. The SA had started it at the order of SA Obergruppenfuehrer v. Obernitz, who was killed in the war.

Q. You say that, when you came to Nurnberg, you continued your resistance?

A. Yes. My early experiences never permitted me to become sympathetic with the party.

Q. You told us that you were put under surveillance when you came to Nurnberg. Surveillance by whom?

A. Of course that Guntzenhausen incident was reported to Nazi party authorities and I was considered politically suspicious. And during the years, 1933 to 1936, I repeatedly attempted, in accordance with my abilities, to be promoted.

Q. That is enough. I don't think we need any more. When you say the incident was reported to party authorities--What party authority in Nurnberg?

A. It is my firm conviction that that information was transmitted to the gauleiter, as was the usual procedure, and the gauleiter handed it down to the lower officers.

COLONEL NEAVE: I think we shall adjourn at this point.

(Recess)

12:48

Com. B.
Take 3 - 1
Winkler
14 June 1946

H0950-0032

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

14 June 1946

(THE COMMISSION CONVENED AT 1400 HOURS)

COMMISSIONER:

Mr. George R. Taylor

CORPS OF POLITICAL LEADERS

DR. ERNST HIRT, a witness, took the stand and testified as follows:

BY THE COMMISSIONER: Does the witness ~~realize~~ understand he is still under oath?

WITNESS: Yes.

CROSS EXAMINATION RESUMED

BY LT. COL. GRIFFITH JONES:

Q. I want to ask one further question on the point we were dealing with before the adjournment. You told us that after you got to Nurnberg you applied for further promotion,,and failed. Was that due to the Gauleiter and party refusal to give you further promotion?

A. The Ministry of Justice could see from its files that the reasons for my compulsory transfer to Nurnberg. That is why I personally went to the Ministry. I was informed by the Ministry of the uselessness of my efforts.

Q. Let me ask you quite directly - was it due basically to reports and influence of the Political Leaders that you were refused promotion?

A. In my opinion the refusal of my application had nothing to do with the Political Leaders.

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Q. Was it due simply to the report from the SA to the Ministry of Justice?

A. Yes, it was the recorded action of me with regard to the incident of which led to my compulsory transfer to Nurnberg, which was the cause of the refusal.

Q. Now, you told us that - I'm talking of before the War - as I understand there were only completely politically reliable people put on the staff of the Ortsgruppenleiter?

A. I must assume that a certainty, because they only used the staff of the Ortsgruppe if they were completely politically reliable.

Q. That presumably applies to the Staff of the Kreisleiter and of the Gauleiter?

A. I can assume this, but I have no knowledge of this.

Q. It would be a remarkable thing wouldn't if if it were not so?

A. Certainly.

Q. And again speaking of before the War were the peacetime Zellenleiters and Blockleiters always appointed as being completely and politically reliable?

A. I must assume that in pre-war times the selection of the Blockleiters and Zellenleiters was made according to special qualifications, because in pre-war times there were many more party members at their disposal.

Q. And it would be right, would it not, that one of those special qualifications was the fact that he was completely politically reliable?

A. Yes, it would be correct to state that; however, whether the Ortsgruppe succeeded in the selection of a politically reliable person afterwards seems to be to be rather dubious.

Q. Very well. Now, it was you who introduced today the expression "completely politically reliable". Do you mean by that a person who wholeheartedly supported the known Nazi policy?

A. This is not considered identical. It was a matter of making the party offices believe that one was rather reliable politically, so as to not fall into a trap.

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Q. But I am talking of the peacetime Block and Zellenleiters. You've told us that with possible exceptions that they were all completely politically reliable. I just want to know what you mean by completely politically reliable, and do you mean a person who whole heartedly supported the policies of the Nazi party?

A. The party authorities from their point of view [redacted], of course, we find the expression politically reliable as meaning exactly that he is a convinced Nazi.

Q. And is that what you mean - I go on asking it - is that what you mean by the people who were in peacetime on the staff of the various political leaders and the people who are the Block and Zellenleiters?

A. I can only express the opinion that the party authorities considered such people as reliable since, [redacted] otherwise they would probably have not been put into these positions.

Q. I just want to get it quite clear. I'm not sure with the two languages we understand it enough. When you say that the Block and Zellenleiters were completely politically reliable, do you mean by that they whole heartedly supported the Nazi policy?

A. I cannot voice a judgment on a wider circle on Block and Zellenleiters; in order to do that I should have a wider circle of acquaintances among the Blockleiters and Zellenleiters in peacetime.

Q. But now completely judged and a person who disapproved of the Nazi policy, and I imagine a person who had [redacted] watched the political situation in Germany carefully and with some anxiety - now from your observation as such, can you tell me whether you would consider the people who held the positions of Block and Zellenleiters before the war were people who whole heartedly supported the Nazi policy?

A. I cannot and do not want to maintain that because there is an essential difference - whether I am politically reliable or whether I seem to be politically reliable.

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Q. I quite appreciate what you mean. Would I be right in saying that from all their actions and their behavior the persons who held the positions of Block-leiters and Zellenleiters up to the beginning of the war appeared to be whole-heartedly supporters of the Nazi party?

A. I could not agree to that.

Q. Well, then, would you tell me what you agree to?

A. I cannot agree to the assumption that a man having been in with the peace-time Block or Zellenleiters must necessarily be stamped as a party fanatic or convinced party member.

Q. Well, would he do everything he was told by the party?

A. I do not know whether the Block or Zellenleiters had received special directives to be executed by them from the party.

Q. Well, but you know, do you,not, that the Block and Zellenleiter both during the war and before the war were continuing to receive instructions in one sort or another by their party leaders?

A. Yes, and I have described several times our tasks and duties. I was referring to special party directives which extended ~~hm~~ beyond the area of activities such as air raid measures.

Q. I'll come back to where we started. I'm not concerned for the moment about the directives that they received. I'm simply asking you would it appear that the people who held the positions of Block and Zellenleiters were supporters of the Nazi party?

A. In public it seemed as such.

Q. Now, when the war came were there many of the people holding the position of Block and Zellenleiter who were called up to the Army and had to be replaced?

A. Yes.

Q. You spoke about civil servants like yourself being appointed to replace them. Were there many civil servants who did take over positions of Block and Zellen-

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leiters?

A. Within the call, there was an increasing number of civil servants who became Block and Zellenleiters.

Q. Can you give me any idea of the estimate of that total number?

A. It is impossible.

Q. And you, of course, cannotsay whether the others were opposed or did it under protest or not?

A. I know of a number of Block and Zellenleiters who tried their best to be able to evade the acceptance of such a post.

Q. How many do you know of?

A. Within my near invironment - 45.

Q. Passing to another matter, you told that the Block and Zellenleiter were not regarded as Hoheitstraeger.

A. That is correct.

Q. For the purpose of the record I would like just perhaps to read out a short paragraph which was referred to this morning, but not, I think, actually read. I refer to the bound volume of Der Hoheitstraeger for 1939, PS 2958, US 325, and which was quoted to show that Der Hoheitstraeger included nobody below the Ortsgruppen-leiter. I quote from that from page 1 of the February 1939 edition where it sets out the distribution. It says this - In accordance with the instructions of the Reichs-organizationsleiter, it is received by the following Hoheitstraeger and Political Leaders in theOrganizationsbuch and Ortsgruppenleiters, and it then sets out the various leiters down to Ortsgruppenleiter. I'll ask you one question to make the point clear. If that was the total - that list was the total of Hoheitstraeger, would there have been any reason for inserting the words "the following" in that sentence?

A. I did not completely understand the question.

Q. You see that that is to be distributed to the following Hoheitstraeger. Well, if that list included all the Hoheitstraeger and if 35

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there were no other Hoheitstraeger besides those included in that list, would there be any reason for inserting the words "The following" ?

A. I want to leave the point alone, and I do not know the point really. Whether this has a special meaning "the following" or whether is is merely a lack of cleverness on part of the editor.

Q. I only want to refer you to one other document on that point. Do you know that in the organization book for 1943, and I assume for every other year as well. I'm sure Dr. Nath will correct me if I'm wrong. The Hoheitstraeger are set out as follows: I refer to PS 1893, at page #3 of the English translation, which will be found in the leadership corps document book. I understand it is page 98 of the oroginal copy. The Hoheitstradger set out as follows: The Fueher, The Gauleiters, The Kreisleiters, The Ortsgruppenleiters, The Zellenleiters, and the Blockleiters, and the sectors of sovereignty are the Reich, Gauleiters, Kreisleiters, Ortsgruppenleiters, Zellenleiters andBlockleiters. If the Block and Zellenleiters were not Hoheitstraegers, can you explain for them being sdt out as such in the official organization book of the party?

A. I have no explanation for that.

Q. I want to go on to one further matter.

DR. NATH: The witnesses wishes to make an additional explanation.

A. I said before I had no explanation for it. If opposite to the reality, the organization book contains the titles of Block and Zellenleitersas listed within the Hoheitstraeger, it may be a project for the future.

Q. Very well, now you have spoken to us or rather you have told us too a number of matters during the course of your evidence. For instance, the Jews, churches, and other matters. Didyou know personally any Block or Zellenleiter before the war started?

A. Yes.

Q. How many did you know?

A. I know very wedl two Blockleiters and one Zellenleiter.

H0950-0038

Q. When you gave us your evidence about these matters were you expressing the views that those three persons held or were you expressing only your own views on those persons like yourself before and during the war?

A. I have only voiced the experiences of my comrades and who were with me.

LT. COL. GRIFFITH JONES: I have no further questions.

MR. TAYLOR: Does the other counsel desire to cross-examine.

BY COL. Kerov (Russian prosecution)

Q. Is it correct that your having been persecuted due to the refuals to release to SA. Were there any laws or directives which permitted them mixing of SA into Jewish problems, legal matters?

A. The situation with the two SA men was the external reason for the local SA leader to report about me to the SA man, Obernitz. The report included as a main point against me the fact that I was supposed to have spread the rumor that it was the Nazi party and not the communists who had put fire to the Reichspost.

Q. Is it in fact so that SA and Gestapo were forcing their opinions upon the court?

A. Obernitz has made his report to the Ministry of Justice, and he has declared that I was incompetent with my position.

Q. The resigning civil servant - would it have impressed considerably for him to resign the party as well as the authorities?

A. The reason which the civil servant had for his resignation from the party whih was decisive. If it was done his political reasons which was the case most likely in most cases, he would have to figure on a disciplinary which might end his dismissal from the service.

Q. So it is a fact that theparty and state authorities under Hitler formed a common front and recollected with each other in a common aim and goal?

A. The basic principle which was valid was that party and state was one and

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upon this principle they acted.

Q. Were you told to follow the commands of the leaders blindly and without any thought on your own?

A. That is what Hitler and his gang wished to achieve, but the largest part of the people was not critical enought to fall for such a matto.

Q. Will you please state the fact that the blind confidence received upon the leaders leads him to do whatever he wishes to do?

A. Never.

BY LT. COL. GRIFFITH JONES:

Q. There was one matter which I had wished to ask a few questions on. May I ask permission to do so. Witness, we have heard during the course of this inquiry a certain amount about the party court. Can you tellus what the functions of that court were?

A. I have never spoken of the party court.

Q. Did you know that the Nazi party ran a court of their own - a judicial, criminal proceeding?

A. I knew. I was conscious of the fact that the party did have courts, so called honor courts.

Q. Do you know anything of the function of those courts or what they did?

A. I know nothing in detail or in general.

Q. Do you know whether persons who committed crimes or party members who committed crimes were tried by that court and not by the normal state courts?

A. In my opinion the high courts heard cases of more or less severe infractions of high discipline.

LT. COL. GRIFFITH JONES: All right.

BY DR. NATH (DEFENSE COUNSEL)

Q. The English prosecution has referred to the organization book, page 98, listing the Hoheitstraeger. This book was edited by Ley. This book also lists

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Zellenleiters and Blockleiters as Hoheitstraegers. Am I permitted to submit an affidavit for the purpose of having it put on record which refers to the way the book was put together and the value of the book. I shall permit myself to have this document translated as quickly as possible and to submit it to the judge and to the gentlemen of the prosecution. May I be permitted to read to you the essential parts of this affidavit. The affidavit was made by Karl Hederich. It has been notorized by an Allied officer in this building. His name is not very well deciphered. Hederich was a deputy chairman of the Commission for National Social publication from 1934 to 1945. [redacted] Members of the Commission consisted of among others the office of Goebbels, Rust, Rosenberg, and Amann. The Reich organization had an expert in the person of Oberbefehlsleiter, Chief Commander leader, Seltzner. May I call attention of the Commission to this book which the prosecution has quoted has been authored by the [redacted].Reichsorganizationsleiter Ley. His deputy in this Commission was Seltzner. The maker of this affidavit, Mr. Hederich, describes the tasks of this Commission. Up to the year 1935, the National Socialism contained the definiation of the organizational tasks of the party. Due to the leaving of the SA of the political leadership, a reorganization had become necessary in the year 1932. I'm stillquoting extracts. Thatis why a new organizational plan had to be made up in the years 1935 and 1936. The party chairmanship was reorganized into offices. The draft of this plan of organization was with the advisor in such matters, Mehnert. Mehnert was in the organization office of the NSDAP. Before the first publication of the organizational book, Bouhler made a report to the Fuehrer. The maker of the affidavit states that possibly the Reichorganization alsl reported to the Fuehrer. I am quoting verbally. " I myself have been instructed only by Bouhler for whom I was deputized. Bouhler at that time told me that the Fuehrer did not want to put himself on record officially and authoratively regarding the organizational structure. Otherwise, he realized well that the Reichsorganizationsleiter needed a preliminary basis for his work. " I am quoting literally, page 3 of the document. Previously

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certain questions had come up regarding the extention of the concept of Hoheitstraeger. I myself had pointed out to the expert in such matters, Mehnert, that according to the directives of the Fuehrer or his deputy, respectively Block and Zellenleiters were not to be regarded as Hoheitstraeger. Mehnert answered this as merely a matter of organizational form. The inclination of the Block and Zellenleiter within the concept of Hoheitstraeger would not, in fact, have anything at all. He based his ~~xiews~~ views on the fact that unless he included Block and Zellenleiters into the concept of Hoheitstraeger, which included the others and their staff, it would have been necessary to create a third category for that it was quite clear that despite the extension of the Hoheitstraeger, Block and Zellenleiters were not to be burdened with any extended authority. No change should have been made in practice in their position as it is. I know that Block and Zellenleiters never had the authority to exercise the privileges and rights of a Hoheitstraeger. The Ortsgruppenleiter were toward the bottom --- the lowest real Hoheitstraeger with right of meeting and disciplinary rights." The affidavit is dated 13 June 1946.

LT. COL. GRIFFITH JONES: We will get an English copy of that as soon as possible?

DR. NATH: Yes.

MR. TAYLOR: Are there any objections on the part of the prosecution as to the ~~entrance~~ Offer of the affidavit in evidence?

LT. COL. GRIFFITH JONES: I have no objections.

MR. TAYLOR: The affidavit will be received in evidence and marked defense exhibit P.L. -5____ Is there any further testimony desired from this witness? ~~XXXXXXX~~

Witness will be excused.

DR. NATH: The witness would like to make another remark.

By Mr Taylor - Very well Proceed.

WITNESS: The matter I referred to is that very often it has been said that there is such a thing as a Reich directive publication, extending from the first war years, which was said to be a party directive or similar order. Ac-

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cording to which during wartime no regular Block and Zellenleiter were permitted to be appointed. The Reichsverfugungsblatt is an authorative order of the party.

MR. TAYLOR: Witness excused.

~~X(THE CASE ENDED AT 1530 HOURS)X~~

(THE COMMISSION ADJOURNED AT 1530 HOURS)

The foregoing is a true and correct transcript of the testimony of DR. ERNST HIRT, taken on ~~13 June 1946~~ 13 and 14 June 1946.

Bernice Winkler
Reporter (pp. 1-15

Dorothie J. Noll
Reporter (pp. 16 - 30

Bernice Winkler
Reporter (pp. 31 - 41

CERTIFIED TO:

Ann Neare
Commissioner

Leol

Geo R Taylor

H0950-0043

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

14 June 1946

(THE COMMISSION CONVENED AT 1000 HOURS)

COMMISSIONER:

Col. A.M.S. Neave

CORPS OF POLITICAL LEADERS

DR. ERNST HIRT, a witness, took the stand and testified as follows:

BY THE COMMISSIONER: Does the witness realize he is still under oath.

A Yes.

COL. NEAVE: Mr. Nath.

MR. NATH: (Defense Counsel for Corpss of Political Leaders) Yesterday we stopped with the discussion on the position and the tasks of a Blockleiter. May I continue with permission of the Commissioner?

COL. NEAVE: Yes.

DIRECT EXAMINATION RESUMED

BY MR. NATH:

Q Witness, were you ordered to regular conferences at the local group leader, and if so, how often would these conferences take place? Who was present and what points were under discussion?

A Every week was supposed to take place a so-called conference evening. Blocklieters and Zellenleiters were supposed to take part in these conferences regularly. In reality there appeared on an average of about one-half of them. Besides the Blockleiters and Zellenleiters, it happened sometimes that representatives of the National Socialist Welfare League, and also air raid percaution people were present, if it so happened that tasks were under discussion which were connected with the activities of these representatives of the air raid percaution.

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However, essentially the air raid tasks pertaining to Block and Zellenleiters were discussed by the local group leaders. For instance, measures pertaining to the commitment of labor air raid percaution measures, collection of used material, the tasks of caring for those who suffered bombing damages from flyers, and similar plans.

Q What was the tendency recognized in the local Block-leiters pertaining to political offorts?

A This is what usually took place. The local Ortsgrup-penleiter put up an outstanding figure of an outstanding Nazi leader as an example. He discussed the success of the troops positions, chance for victory and also praised the achievement of the German labor population, but I personally noticed especially that the Ortsgrupponlieter very definitely avoided any reference to the actual political ends of the party leaders. Only general matters which one could hear about from the radio and informed about by the press were discussed. Obviously the main interests of the high leaders was to again spur on the efforts of the Zellenleiters and Blockleiters in the direction of tasks which were previously described here.

Q Were there any direct connections between the Block-lieters to the higher authorities as for instance, the Kreis-lieters or the Gauleiter?

A There was no such connection.

Q Were the Blockleiters informed of the results of the meetings of the Kreisleiter and Gauleiter?

A Only in so far as the work of the Blockleiter and Zellenleiter was touched by it.

Q And how was that eludidated?

A These are tasks, of course, multiplied due to the war conditions. It may have appeared to the Gauleiter and Kreisleiter that we did not put enough work into it on our part. The Gauleiter seemed to have informed of this. And then these higher authorities sent down admonishments to please ask the Blockleiters and Zellenleiter to put more effort into their work,

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and it might have happened that new tasks were assigned to these people.

Q Were these new tasks political tasks or were these tasks referring to the relief and welfare work?

A We had none or only in very small measures to fill of any tasks of a political nature. We were wartime Block and Zellenleiters. It was up to us to have achieved the trust of the population particularly in the fulfillment of our tasks.

Q Witness, the prosecution submitted, referring to the organization book of the party, that the Blockleiters who had the closest connection with the population - that is they were most suited to influence and supervise the population from a political point of view. Mr. Justice J ackson has designated as "little Caesers"

H0950-0046

who terrorized thepopulation. Is that correct?

A According to the way I have seen and noticed things, this isnot correct at all in any case. According to my observations those Blockleiters and Zellenleiters who worked during wartime in such capacity have only with great discussion fulfilled their duties. The main profession of each party member was very difficult. There was a great deal of additional work for him during the war in the exercise of him in his regular profession. It was the second world war. The misery of the people rose from day to day. Everyone took care of himself and his family members. He had neither the desire nor the time to influence the population politically in any direction whatsoever. Therefore, one cannot speak of us as little Caesars or little leaders. As far as any individual fanatics might have been guilty of such things, the whole of the Block and Zellenleiters cannot be made responsible for their actions.

Q Col. Storey has submitted #1383, dated December 18, 1945, that the Blockleiter were representatives of the German police. In fact it was the Blockleiters who were the little leaders with regard to authority over the citizens. Is that correct?

A No. We had no political authority whatsoever. We also had no power whatsoever over the individual block residents. To the contrary we had to be obliging to the Block residents; otherwise, we would not be able to achieve the fulfillment of our tasks. For instance, where collections are concerned and air precaution measures.

Q The prosecution submits further that the Blockleiters were in a position without legal authority by any court to confiscate property and to deprive Block residents of their lives even. Were the Blockleiters ever authorized in such a way?

A That never was the case. Toward the Block residents we had only duties and no depriving whatsoever.

Q The Organization of the Party, 1943, Page 71, reads:
The Hoheitstraegers and the SA within his district can request the competent SA leader if he requires them in order to fulfill the political tasks with which he had been burdened. This is an oral statement of theprosecution, German 1390, dated 17 December 1945. As a Blockleiter were youdesignated a Hoheitstraeger? I shall later discuss the concept of Hoheitstraeger.

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Were you as a Blockleiter authorized to requisition or commit the SA or any other organizations as the SS or the Hitler Youth?

COL. NEAVE: Dr. Nath, let him answer these questions separately. The first question was he designated a Hoheitstraeger?

DR. NATH: Why didn't you ask him if he was designated a Hoheitstraeger? Go on. You stated yourself that the man was a Hoheitstraeger.

BY DEFENSE COUNSEL:

Q I wish to know it as a Blockleiter whether he was designated as a Hoheitstraeger.

A If necessary at all it should have been the Orstgruppenleiter, but it was completely impossible for me.

Q Were the Blockleiters authorized to make arrests for political or any other reasons?

A Never.

Q Or a house search?

A Never.

Q Could they make arrests out of the SA or SS or any other organization?

A That was entirely out of the question.

Q Has any party authority ever at any time asked such actions of the Blockleiters?

A Never.

Q What were the connections between the Blockleiter and other Nazi organizations. As, for instance, the SD or the Gestapo?

A There were no connections whatsoever?

Q How much and within what area was the connection between the Blockleiter and the National Socialist Welfare Leaders?

A It has happened the the National Socialist Welfare Leaders organizations has contacted the Blockleiters by way of local group leader and Kreisleiter if it was a question of collections or other similar activities.

Q Col. Storey has submitted that the Hoheitstraeger had to supervise all the party officials within their area and that they were also responsible for the discipline, but would it fall to the Blockleiter to supervise party authorities?

H0950-0048

A No.

Q Page 101 of the Organization Book, called PS 1893 reads: It is for the Blockleiter to find the propogator of harmful rumors

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and to report to the Ortsgruppen so that competent state authorities may be notified. Were the Blockleiters or the Ortsgruppenleiters or other authorities asked to spy on the residents of their blocks and to report them by name, as submitted by the prosecution, referring to the Organization Book. The German text, page 1282, 17 of December 1945.

A Such order to spy and to inform were not received by us as far as it fell within the scope of my observation. It would have been contrary to our entire position as opposite to the resident block. We could not achieve anything working against the population. Rather we had to work with them and certainly informing on them would not have been the way to do it. It is correct that every German, according to the press, radio and speeches of the Ortsgruppenleiter were asked to report any one who spread harmful rumors. This was expected of every German and not only the Block and Zellenleiters. It was up to each individual German, whether he wanted to humiliate himself to become an informer or whether he did not want to do so. For every decent German whether he was a Blockleiter or Zellenleiter there remained the thought that the word scahdal in each country is and remains with the informer.

Q Do you know of any case where a Blockleiter or Zellenleiter has led on a German citizen and caused him to make damaging statements and denounce him so that the person concerned would come before a court or even was put in a concentration camp or that he suffered any other disadvantages from it?

A In my local group, I didn't know of any such case.

Q Is it correct that it was for theBlockleiter to write a regular morale report and what sort of morales were concerned?

A I know nothing about morale reports to be written by either the Blockleiters or Zellenleiters. I can recall thatthe Ortsgruppenleiter once mentioned that he had to submit morale reports to the Kreisleiters and Gauleiters. That is why he asks us to tell him about the real morale of the situation of the population even though it may have been unfavorable.

Q Have you heard of such morale reports containing names of individual citizens?

A No, never. This is a matter of merely finding out the general morale of the population about which the local group leader wished to find out.

For instance, whether air raid precaution measures wereconsidered to be efficient.

Q I'm submitting to you, witness, an order of the deputy of the Fuehrer #127, dated 5 October 1936. This order is reproduced in Document #2639 PS, Page 328 to 330. This order reads: The Reich War Minister has consented to the relief and care of soldiers' families by the party and in particular by the Block and Zellenleiters. This directive is to be published in all party offices, including down to the Zellen and Blockleiters, and the confidence of the faith which is being had into the good work of the Zellen and Blockleiters, and then the directive of Hess is being quoted verbally. I quote; "Never must the Zellenleiter and Blockleiter become obnoxious. The care and relief should neverbecome spying and informing. This would not evade confidence. We have here an official party directive which expressly forbids the Zellen and Blockleiters to act asinformers. This would lead to destruction of the confidence which it was up to the Block and Zellenleiters to acquire from the population." Witness, did you know this prohibition and was it valid in practice in particular?

A We are not acquainted directly with the directive originating from the deputy of the Fuehrer. I know nothing about the Soldiers' families having had such care. The Blockleiters were asked to fulfill the task of relief and care without any discrimination about any residents of the block. I have said before that we had no order to work as informers and exactly the order which we had to acquire the confidence of the residents of the block persons. Informing and spying were excluded from our work.

Q Were you and the Blockleiters acquainted with the Organization book by Ley? Was the special attention of the Blockleiter called to this book and was it observed in practice?

A As far as my observations are we did not know the Organization Book by Ley. Our special attention was not called to it. It is possible that from other sources other people may have been acquainted with the existence of this book.

Q I now wish to discuss with the witness the concept of Hoheitstraeger pertaining to the Block and Zellenleiters. I shall ask you first what your concept of the Block and Zellenleiters with whom you were acquainted was with the other Hoheitstraegers?

H0950-0050

A I do not believe that myself or any of the others had any very clear idea or had made themselves think on the subject of the meaning of the word Hoheitstraeger. The idea that we might have been Hoheitstraegers was completely strange to us. We considered the Ortsgruppenleiter as a Hoheitstraeger, because he was in possession of the political and directive rights.

Q Were the Block and Zellenleiters in power with Hoheitstraegers over the residents of their block ? In other words were the Block or Zellenleiters in a position to give them obligatory orders - political kind in any matter whatsoever ?

A That was entirely impossible.

Q Who besides the Ortsgruppe had Hoheitstraeger sovereignty and consequently might have been designated as a Hoheitstraeger ?

A According to our ideas those were the Kreisleiters and Gauleiters.

Q I am submitting to you, witness, a directive of the deputy of the Fuehrer, dated 25 October 1934. It is to be found in the book directive of the deputy of the leader 1937. The prosecution has submitted this as document P.S. 2639. I'm referring to the paragraph # 1 of the directive which reads as follows : The political leadership within the party and any other authorities outside of the party which consists of the state and other authorities is contained solely and only with their Hoheitstraeger. That is to say with myself, with the Gauleiter, with the Kreisleiter and the Ortsgruppenleiter. This order only goes down to the Ortsgruppenleiter. That is to say it does not go down as far as Zellen and Blockleiter. Has this directive been followed also in later years. That is to say between 1937 and 1945 ?

A We knew nothing but that the Ortsgruppenleiter, the Kreisleiter and Gauleiter were those Hoheitstraeger competent for us.

Q Later I am taking the liberty of submitting to the Commission several documents of later years which will show clearly that Hoheitstraeger are counted only from Ortsgruppenleiter on upward. The relative documents are at present in the translating department. The prosecution has submitted under C-9, the German text of the minutes of the records 1386, 17 December, that the Hoheitstraeger are a special group appearing recognizable within the Corps of Political Leaders. This was proven by the publication of the magazine Der Hoheitstraeger. Were you acquainted with the publication of Der Hoheitstraeger, and was it sent to the Blockleiters from the high authorities ?

H0950-0051

A We did not know of the existence of this publication, and we definitely were not informed of such. I'm not acquainted with the fact whether one or another heard about it from different sources.

Q The prosecution has referred to the list records, Page 1386, dated 17 December 1945, which show that this publication was permitted only to very definite characterizations designated Hoheitstraeger and Political Leaders; however, the prosecution has refrained from submitted that exactly the Block and Zellenleiter which was by far the largest part of the Political Leaders - 93% were not permitted to receive this publication. I am referring to document PS 2958, U.S.A. 325, it is the magazine, Der Hoheitstraeger, series #2, 1939, and I refer you to the first inner page. This shows the distribution diagram. I am showing to the witness a notorized copy of this distribution diagram. This shows that the lowest sector which was permitted to receive this publication was the Ortsgruppenleiter.

H0950-0052

LT. COL. GRIFFITH JONES : May I see it, please ?

BY DEFENSE COUNSEL :

Q Furthermore I am showing you a copy from the same document PS 2958 which shows that the magazine publication Der Hoheitstraeger was to be kept secret, was only restricted and was not to be given into any hands than those people who were mentioned expressively in the distribution plan which was just mentioned here.

COL. NEAVE : Col. Jones Griffith, do you want to see this other document?

LT. COL JONES : Yes.

BY DEFENSE COUNSEL :

Q That is to say the lowest political leader, the Blockleiter and Zellenleiter were according to the ones enumerated in the publication of Der Hoheitstraeger, excluded from these. Could you express this fact to the Commission in respect to the position of the Block and Zellenleiter ?

A The facts submitted here before the Commission show without any doubt that we were not put there by the party as Hoheitstraeger. The reasons for this will be found in our exceedingly close connections with the population, and authorities did not think it right to have enough confidence in us to inform us about certain matters which are to be kept secret for fear that they would infiltrate the population.

Q I am now coming to an entirely different part of questions. Will you inform us whether the Blockleiters, known to you, were members of the Christian confession ?

H0950-0053

A. I did not know among the Blockleiters and Zellenleiters with whom I was acquainted any one who was not a Christian or who had resigned from the church.

Q. Did the Block and Zellenleiters belonging with your Ortsgruppenleiter take part in church activities? For instance, would they take part in the processions?

A. I know of such a thing. Only Catholics took part in processions.

Q. Did the Blockleiters receive directives from any party authority, particularly from the Ortsgruppe to resign from the Church?

A. No such directives were given.

Q. I am now coming to the questions regarding the responsibility of the Political Leaders in regard to the conspiracy. The prosecution in the documen II, German text, page 15, and all records, German text, page 1368, dated 17 December 1945, has submitted that the Political Leaders of the Nazi party have followed a common plan or a conspiracy and had taken active part in it, and that execution of this common plan or conspiracy, first, crime against the people, crime against the rules of war and three to commit crimes against humanity. The prosecution says from the party practice the main parts of the Nazi program for conquest and domination. Trial brief II, German text, page 15, protocol page 1397, dated 17 December 1945. I want to submit to the witness the individual points of the program and I shall ask you to take an attitude towards this from the point of view of the Blockleiter. First, the incorporation of all Germans in Grossdentsches Reich, pertaining to this it reads in the party program part I. "We asked for the union of all German of self-determination of people into a Grossdeutschland." Will you elucidate this?

A. After this point one of the program, no right thinking German could possibly have an idea that this end would be achieved by such like doings.

Q. With regard to the question pertaining to the cancellation of the Treaty of Versailles, point No. 2. We ask equal rights of the German people towards other nations. The cancellation of the peace treaty of Versailles. What was the understanding of the Blockleiters and Zellenleiter of this point.

H0950-0054

A. It is based upon the experience. It always has been that vanquished peopled tried to find easier conditions pertaining to the original peace treaty or to even have it cancelled. History has also proven that such efforts were unusually unseccessful because the living together of peoples made it necessary that such pressing conditions had to be removed. Such an aim could not seem of harm to the German people. Of course, one only thought of the peaceful regulations of the situation by contract on an international basis.

Q. Point three of the party program pertaining to the demand for land and soil. I quote, "We demand land an soil, colonies, to feed our people and to settle our surplus population." Were these program points taken to mean a plan to take a conquest of foreign territory?

A. No decent German thought such a thing. He could not possibly think of such plans because he was not made acquainted with pertiment plans of the highest party of state leadership. The German people thought that the demand for return of the colonies was particularly reasonable in view of the fact that the last war had brought about economy distress and unemployment.

Q. In which way were these points of the party program to be achieved - legally, illegally, by war or peaceably. Will you please tell the court about this especially for the Block and Zellenleiters?

A. We thought only of a peaceful legal solution of this problem. The highest party and state office authorities underlined exactly that. It is only today that we can recognize and know that we were cheated.

Q. Will you stick to your view if I submit a document to you which was that in July 1941, Hitler intended to incorporate into the Reich area the Crimea, Alsace, the Baltic states and also other Eastern territory in order to exploit. That is the first and latter to settle Germans there. It is here in the document submitted by the prosecution marked L-221, document USA 317. It refers to the discussion of the conference in the Fuehrer's headquarters, 16 July 1941. I am submitting to you a notorized copy of the document mentioned, and I shall ask you to pay attention to #2 page 2 of my copy. Where it is mentioned the incorporation of Crimea, etc.

H0950-0055

COLONEL NEAVE: Waite a minute , Doctor Nath.Why should a person in the position of a blockleiter be asked this question?

DR. NATH : He is to take an attitude to the fact that opposite to his views regarding the party program, the highest party authorities acted secretl against the stated matter. And he is to tell the Commission of the attitude o the group leader to the a ction of the higher authorities in Vienna in 1941.

COLONEL NEAVE: I see.

Q Would you also see Page 4 of my copy No. 3, the third paragraph from the bottom, which talks of the Empire Baltic Territories becoming a part of Reich area. A little further it is said that the Baltic colonies and the peninsula also must come to Germany. Will you please take an attitude toward this from the point of view of the Zellenleiter.

A The block and Zellen leiters were fictitiously told by the higher authorities. gauleitung and kreisleitung, that the struggle of the German pe was for their very existence and that they had no thought of conquest and settlement in foreign countries or anything like that. The war had been alwa represented to be a war of defense, and never a war of conquest. It is most moving to find out today what were the secret ideas and intentions of the so called "Fueher" which he kept from us.

Q Did the blockleiters participate as instigators or accomplices on t drafting, or execution of a common plan or of a conspiracy whose aim was the bringing about of a crime against the people? I quote the formulation of the main indictment. What was the knowledge of the blockleiters and zellenleiter of such a plan or conspiracy?

A We didn't have the slightest idea of such a plan. It is inconceival to me how one could possibly ever harbor the suspicion of such a thought. Or should think over the following. . .

COLONEL NEAVE: We don't want to hear his personal views. We must hear what the blockleiters thought.

Q Will you please formulate your answers in such a manner not to be acquainted with such a plan.

A I wanted to express the same thing, but I can formulate it different In order for all block and Zellenleiters to become acquainted with such a p it should be a pre-condition that such a plan would have been published.

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(Recess)

COLONEL NEAVE: Dr. Nath, will you go on.

Q Have the blockleiters or the Zellenleiters learned within the framework of the party organization anything of a plan for aggressive war, for instance, against Poland?

A At that time I was not a blockleiter. But I have learned from subsequent conversations with other blockleiters that they were, just as the other people as a whole, totally surprised by the outbreak of the war. Above all, nobody realized that the war had been started arbitrarily by Hitler and that he pursued aggressive aims by doing so.

Q How did the blockleiters and Zellenleiters react to the outbreak of the war?

COLONEL NEAVE: Wait a moment. He wasn't a blockleiter at that time was he

DR. NATH: I believe, on the basis of the conversations he had subsequently he could testify to that.

COLONEL NEAVE: Very well.

A From my conversations with blockleiters I have decided that nobody expected the war. Everybody considered the outbreak of the war a national disaster.

Q I am now coming to point four of the party program: unequal evaluation of races, and anti-Semitism. I quote from the party program: "A citizen can be only the person who is a member of the German folk. A member of the German folk can be only one who is of German blood, regardless of his faith, and therefore no Jew can be a member of the German folk." It cannot be denied that that part of the party program means a discrimination against citizens of Jewish faith and, as a consequence of that point, the most terrible persecutions have resulted How did the political leaders---blockleiters and zellenleiters---whom you have known, interpret that part of the party program?

A Nobody can deny that that part of the party program meant discrimination against the Jews. But the decent part of the German people did not want to have any part of such discrimination. That is equally true of the blockleiters and zellenleiters. But after Hitler's seizure of power, no individual had any means to oppose the carrying out of the party program

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unless he desired to become a hero or a martyr -- and not everybody had the ability or the desire to become such. An open fight against the anti-Semitic program of the party was for the individual nothing but a ticket without a return ticket into a concentration camp. But, in the first years of the Hitler regime, it was obvious that the Jews, at least part of them, were granted means to emigrate. Jewish civil servants, for instance, were retired, either with full pension rights or with part pension rights. And so we hoped that the Jewish question which had been made a point of action for the party would be solved in a decent and honorable fashion. And we could not anticipate in any way that the final solution of the Jewish question would be brought about in such an indecent and brutal way.

Q The Prosecution further refers in this connection to Point Six of the party pro ram, in which they state a challenge was made to the democratic system It remarks as follows: "We demand that every public office, regardlessof what kind, in the Reich, in the land, and in the community, should be held only by citizens. We oppose the corrupt Parliamentary custom of the State of filling a position merely with a view to Party considerations and without reference to character or capacity." Did the blockleiters and zellenleiters consider this part of the party program -- a plan to dominate the people, with the final aim of carrying out a joint plan and conspiracy to commit crimes against the people?

A We interpreted that part of the party program only as a means to abrogate in a legal manner any ill practices in the administration. We were i no position at all to recognise that military or aggressive aims were hidden behind those words.

Q In regard to armament, the party program says, quote, "We demand the abrogation of a mercenary troop and we demand the formation of a peoples' army." Did that demand a plan for a future war, and how did the blockleiters understand that part of the program?

A Since other people, too, had general conscription, we could not assume that the re-introduction of conscription in Germany would mean aggressive war-fare. It was the understanding of ourselves, as well as the understanding of the German people in general, that the re-introduction of general conscription would mean nothing but a good ethical and social training of the German people a

H0950-0058

a whole.

Q I summarize, and I would like to ask you also for a brief summary reply. Did the political leaders -- blockleiters and zellenleiters -- consider the above points of the party program as a basis of a common plan or of a conspiracy to dominate or to conquer their own nation or foreign nations and then, further, to commit crimes against the people, the rules of international warfare, and humanity?

A We could not draw any conclusions from the points of the party program in regard to dominating or conquering intentions of the party or the State. That was the plan the supreme leadership of the party and the State was bound to keep secret. Because we were the lowest level of party leaders and were in close contact with the people, we would have been the ones who would have informed the people of the intentions of party and State leadership. And it i a generally-known fact that Hitler gained power and maintained power only by propaganda and by deceit and keeping the people dumb and stupid and uninformed about his intentions. But, if it was the intention of Hitler to keep the peopl dumb and uninformed, then it was absolutely necessary that we, the lowest leader of the party, should be kept dumb and uninformed. And it was particularly obvious at all those meetings held for us by the Ortsgruppenfuehrer. That Ortsgruppenfuehrer was well in a position to deliver beautiful speeches on heroe and the achievements of the party and its leaders, but kept well away from discussing any plan of the party leadership.

COLONEL NEAVE: I think that question has been answered sufficiently.

Q I desire to make just one point. The Prosecution holds that the Corps of Political Leaders, which would include block and zellen leiters, was responsible for all measures, including legislative measures in the State for th purpose of conspiracy of those individuals and organizations considered criminal for the plans carried out by those individuals. Refer to E, Page 27 of the German text. I refer to the German text, Page 411 of 17 December 1935. Did the blockleiter and zellenleiter have any kind of influence, even only of a suggestive nature, in regard to the legislation of the Third Reich?

A We never were granted to take opposition to such ordinances. We, however, just as the German people, were confronted with accomplished facts.

H0950-0059

Q The Prosecution claims that a definite proof of the participation in the conspiracy was its participation in the persecution of the

H0950-0060

Christian Church. We would like to determine the part the political leaders played in the persecution of the Christian Church and what knowledge they had of it. Did the party leadership give to the block and zellen leiters information as to its attitude toward Christianity and the Christian Church? Was it done either through the Ortsgruppenfuehrer or through other party channels or training organizations of the party?

A Everybody knew that the party endeavored to weaken the influence of the Christian churches. And that attitude particularly produced much hostility and opposition against the party among the people. But we were not told what the future intentions of the party leadership toward the churches were. But it is characteristic that our Ortsgruppenfuehrer told us that we should avoid, as far as possible, difficulties with the church and its ministers. I do recall that, at meetings with the Ortsgruppenfuehrer, some block and zellen leiters made inquiries in regard to certain ministers who had been reported to have made statements which could interpreted as being hostile to the party. Residents of their blocks had told them so, and they inquired what action they should take. And then the Ortsgruppenfuehrer replied that they should refrain from becoming involved personally, as zellen or block leiters in that controversy. That should be taken care of by other officials. I personally interpreted that as reference to the SD and the Gestapo, which actually supervised and surveyed the ministers.

Q A large number of Protestant and Catholic ministers and members of religious orders were arrested by the Nazis and brought into concentration camps. The property of the churches was confiscated. Did the party membership inform the block and zellen leiters of the reason for such actions?

A In numerous speeches, in training courses in meetings, we were often told that the ministers of both the Christian churches didn't care for the party, and that they even openly or in a hidden way were fighting the party. The overwhelming majority of the block and zellen leiters had a Christian attitude, and therefore we knew

H0950-0061

well our ministers. And we therefore knew that whenever ministers spoke out against the party, they did so only in the performance of their duties. And the real reasons of the fight of the party against the churches we never were told. And we realized that those fake reasons which were given to us as the reason for the fight of the party against the churches were not the real reasons we understood.

Q did the block and zellen leiters have to participate in those measures, and did they have any influence on them?

A We neither had to participate in them, nor did we have any influence on them, and we learned of single instances only through the press.

Q The Prosecution has made reference to a number of documents, for instance correspondence between the highest leaders of the party--Himmler, Rosenberg, and the Party Chancellery, also between Heydrich and Himmler. This is incorporated in the pages of the German text I believe that the Prosecution will agree with me that I refrain from discussing these pieces of evidence because one cannot assume that that correspondence between the supreme party leadership and the SS leaders could be made part of the indictment against the block and zellen leiters. I therefore limit myself to the questions which have been asked in conjunction with that matter The second point of the part which the political leaders played in the conspiracy the Prosecution refers to is the destruction of the trade unions. The Prosecution states, and I quote from the trial brief, Book 2, Page 1449 of December 18th: "Soon after the seizure of power, prominent members of the Nazi party participated in the destruction of the free trade unions." That the lower ranks of political leaders, such as blockleiters and zellenleiters, did not have anything to do with it is proved by the fact that the Prosecution admits that this was done by the most prominent members of the Corps of Political Leaders. The only thing which is relevant in this conjunction, therefore, is that the Commission will learn from you whether the block and zellen leiters knew, in regard to the

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destruction of the free trade unions, and whether they considered this knowledge as an example of the knowledge of those political leaders of the joint conspiracy. Do you know, Witness, who caused the destruction of the trade unions? Did the block and zellen leiters consider that a part of the conspiracy or the joint plan?

COLONEL NEAVE: Well, did they know there was one?

DR. NATH: I feel that the question was not answered.

Q Did the block and zellen leiters consider the destruction of the trade unions as a part of the conspiracy?

A We did not draw that conclusion in any way.

Q Was there any connection between the block and zellen leiters and the German Labor Front and the National Socialist Organization cells in different plants? Were they in position to give orders to those organizations, The German Labor Front and the National Socialist plant cells or their members?

A There was no connection of any kind with these block and zellen leiters and those two organizations, and we therefore did not have any authority to give instructions to them.

Q It is claimed that there is a responsibility of block and zellen

leiters for the activities of the Einsatzstab Rosenberg in occupied territories. Did the block and zellen leiters know what the Einsatzstab Rosenberg was and what its functions were ?

A We never heard of the Einsatzstab Rosenberg nor its functions.

Q I am coming back to the possible participation of the block and zellen leiters in the treatment of the Jewish population. The indictment stated that more and more severe measures were taken against the Jewish population. I am referring, for instance, to the wearing of the yellow badge by Jews, to violent action against Jewish individuals and Jewish property, of the use of Jews for forced labor, the restriction of food rations as far as Jews were concerned. Have the block and zellen leiters had any share in the carrying out of these or similar measures ?

A I do not know anything whatsoever of the participation of block and zellen leiters and certainly not on the basis of instructions from the party leadership in any way of anti-Jewish measures.

Q Now I am coming to those points of the indictment which consider violation of international law in regard to warfare. As far as the block and zellen leiters are concerned, I have to dwell on the following point : The Corps of Political Leaders is charged with the murder, the wounding, and ill-treatment of Allied aviators who were forced to make emergency landings in Germany or in occupied territories. The Prosecution has submitted a document , a letter by Reichsleiter Bormann of 30 May 1944, PS 057, USA 329. I am giving you this short letter. That letter states that aviators who bailed out or had made emergency landings had been lynched by the outraged populations and the letter continued : "No police or legal action has been taken against those members of the people who participated in those actions." The Prosecution stresses that that instruction has been given to the attention of the Corps of Political Leaders and that the key of distribution contains the reichsleiters, gauleiters, kreisleiters, and the leaders of the party organizations. And the ortsgruppenfuehrers should be informed of the directive only orally. Please look at the bottom of that document with the key of distribution and the statement by some man by the name of Pflueger, who said that the ortsgruppenfuehrers should be informed only orally. At that time you were a block-leiter, were you ?

A Yes.

H0950-0063

Q Were the blockleiters informed by the ortsgruppenfuehrers or any other party official of the content of the Bormann letter ?

A I am definitely certain that we never learned of that letter in any form.

Q Did the blockleiters receive any kind of instructions as to how hostile aviators who had to bail out were to be treated ?

A No, we never received such instructions either.

Q The indictment also is concerned with the treatment of foreign labor and PW's in Germany. Did the block and zellen leiters have anything to do with the PW's or foreign laborers, their treatment and their feeding ?

A We had nothing to do with those things.

Q I would like to show you an instruction which Hitler gave in 1939 to Reichsleiter Bouhler and Dr. Brandt in regard to the so-called "mercy death", euthanasia. This has been also used in the indictment against the political leaders. It is claimed that Hitler granted to a certain group of doctors the privilege of giving that so-called mercy death to those ill people who were considered beyond all human treatment. German text, Page 1423, session of December 17th. Did the block and zellen leiters learn anything about the order by Hitler through party officials, and how that order was carried out ?

A Nobody informed us about that order.

Q I have reached the end of my interrogation, and I would like to ask you finally, Witness, as to whether the block and zellen leiters consider themselves guilty in connection with the indictment.

A The block and zellen leiters as a unit consider it a grave injustice that they should be charged with such an unjust indictment insofar as they were innocent and idealistic servants that considered their duties nothing but service to the people and to the State.

COLONEL NEAVE : I think that is a very wide question. Colonel Griffith-Jones, do you wish to start now ?

CROSS-EXAMINATION

BY COLONEL GRIFFITH-JONES :

Q I want to ask you a little about your opposition to the Nazi party, which, I understandm continued up to the time when you became a war block-leiter.

H0950-0064

A My opposition to the Nazi party continued until the last day, and we enemies of the Nazi party longed for the end of the Nazi system, and the liberation, as much as did the other peoples of the world.

Q Can you tell me the grounds of your opposition ? I don't want this to be very long; just give me the headings.

A The main reason was of a domestic nature I refer back to my

H0950-0065

H0950-0066

work as a judge in Guntzenhausen from 1929 to 1933. During that period the so-called "fighting period", the Nazi Party, with the SA and the SS, came more and more into the center of public interest. I was a criminal judge during that period of time, and I was amazed to find out that there were many criminal elements who jumped on the band-wagon of the Nazi party. And during that period of time there were several outrages committed by the exponents of the Nazi party -- attacks against people who adhered to other political thoughts. And I, as a judge, had to say to myself, "If such elements form the Nazi party -- even only part of the party -- then there cannot be truth behind the program of the Nazi party."

Q Perhaps I can interrupt you there to ask you one or two questions on what you have said. Was that view held by the decent element in Germany?

A This I can't tell, because I don't know how the Nazis behaved in other places.

Q Was it the Corps of Political Leaders in those early days that were responsible for the running of the Nazy Party?

A I didn't even know the concept of the Corps of Political Leaders in 1933.

Q You know, do you not, that there had been a Corps of Political Leaders coming into power anyway?

A In 1933 I didn't know anything about it.

Q But you know now that they did exist then?

A Even today I do not know whether such a Corps of Political Leaders existed before 1933.

Q You told us that it was the worst elements in Germany that "jumped onto the band-wagon of the Nazi party." Was it such people that became the early leaders of the Nazi party and held positions of influence in the party?

A I merely stated that I, as a criminal judge in Guntzenhausen, found that criminal elements had been admitted to the ranks of the party, and that they adhered to the Nazi program. Whether they gained any leading positions, I don't know, because I had no knowledge of the internal party structure.

Q Now, please go on and give us your reasons for being opposed to the

H0950-0067

Nazi party between 1933 and 1935.

A I stressed already that I doubted the honesty of the proclaimed goals of the party. Many Germans believed Hitler during the "fighting period" and later. I, myself, never could resolve to adhere to such a boundless belief, because certain events had made me doubt the honesty of such intentions. I already mentioned that, in May 1933, police arrested and brought to me two Nazis who had thrown bricks into Jewish store and restaurant windows. It was my duty; I held those people since they denied it. The local SA leaders tried to compel me to set those people free. I did not allow myself to be compelled. They took revenge.

COLONEL MEAVE: Can't he answer these questions without so many reminiscences?

COLONEL GRIFFITH-JONES: Thank you. I was just going to stop him.

Q You have told us about that incident, and I want to ask you this on it. You say you were threatened by disciplinary action if you refused to let them out of arrest.

A Yes; I was transferred, asa disciplinary action, from Guntzenhausen to Nurnberg.

Q Who transferred you?

A The Bavarian Minister of Justice, Dr. Frank.

Q You did mention that when you said "disciplinary action"; by whom was that disciplinary action taken?

A It was taken by the Bavarian Minister of Justice; and at that time I also had to defend myself against the accusation that I had spread the rumor that SA elements had set the Reichstag fire. The SA had started it at the order of SA Obergruppenfuehrer v. Obernitz, who was killed in the war.

Q You say that, when you came to Nurnberg, you continued your resistance?

A Yes. My early experiences never permitted me to become sympathetic with the party.

Q You told us that you were put under surveillance when you came to Nurnberg. Surveillance by whom?

H0950-0068

A Of course that Guntzenhausen incident was reported to Nazi party authorities and I was considered politically suspicious. And during the years, 1933 to 1936, I repeatedly attempted, in accordance with my abilities, to be promoted.

Q That is enough. I don't think we need any more. When you say the incident was reported to party authorities -- What party authority in Nurnberg?

A It is my firm conviction that that information was transmitted to the gauleiter, as was the usual procedure, and the gauleiter handed it down to the lower officers.

COLONEL NEAVE: I think we shall adjourn at this point.

(Recess)

H0950-0069

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

14 June 1946

(THE COMMISSION CONVENED AT 1400 HOURS)

COMMISSIONER:

Mr. George R. Taylor.

CORPS OF POLITICAL LEADERS

DR. ERNST HIRT, a witness, took the stand and testified as follows:

BY THE COMMISSIONER: Does the witness understand he is still under oath?

THE WITNESS: Yes.

CROSS EXAMINATION RESUMED

BY LT. COL. GRIFFITH JONES:

Q I want to ask one further question on the point we were dealing with before the adjournment. You told us that after you got to Nurnberg you applied for further promotion, and failed. Was that due to the Gauleiter and party refusal to give you further promotion?

A The Ministry of Justice could see from its files that the reasons fo my compulsory transfer to Nurnberg. That is why I personally went to the Ministry. I was informed by the Ministry of the uselessness of my efforts.

Q Let me ask you quite directly - was it due basically to reports and influence of the Political Leaders that you were refused promotion?

A In my opinion the refusal of my application had nothing to do with the Political Leaders.

Q Was it due simply to the report from the SA to the Ministry of Justice?

A Yes, it was the recorded action of me with regard to the incident of which led to my compulsory transfer to Nurnberg, which was the cause of the refusal.

Q Now, you told us that - I'm talking of before the War - as I understand there were only completely politically reliable people put on the staff of the Ortsgruppenleiter?

H0950-0070

A I must assume that a certainty, because they only used the staff of the Ortsgruppe if they were completely politically reliable.

Q That presumably applies to the Staff of the Kreisleiter and of the Gauleiter?

A I can assume this, but I have no knowledge of this.

Q It would be a remarkable thing wouldn't it if it were not so?

A Certainly.

Q And again speaking of before the War were the peacetime Zellenleiters and Blockleiters always appointed as being completely and politically reliable?

A I must assume that in pre-war times the selection of the Blockleiters and Zellenleiters was made according to special qualifications, because in pre-war times there were many more party members at their disposal.

Q And it would be right, would it not, that one of those special qualifications was the fact that he was completely politically reliable?

A Yes, it would be correct to state that; however, whether the Ortsgruppe succeeded in the selection of a politically reliable person afterwards seems to be rather dubious.

Q Very well. Now, it was you who introduced today the expression "completely politically reliable". Do you mean by that a person who wholeheartedly supported the known Nazi policy?

A This is not considered identical. It was a matter of making the party offices believe that one was rather reliable politically, so as to not fall into a trap.

Q But I am talking of the peacetime Block and Zellenleiters. You've told us that with possible exceptions that they were all completely politically reliable. I just want to know what you mean by completely politically reliable, and do you mean a person who wholeheartedly supported the policies of the Nazi party?

A The party authorities from their point of view, of course, we find the expression politically reliable as meaning exactly that he is a convinced Nazi.

Q And is that what you mean - I go on asking it - is that what you mean by the people who were in peacetime on the staff of the various political leaders and the people who are the Block and Zellenleiters?

H0950-0071

A I can only express the opinion that the party authorities considered such people as reliable since, otherwise they would probably have not been put into these positions.

Q I just want to get it quite clear. I'm not sure with the two languages we understand it enough. When you say that the Block and Zellenleiters were completely politically reliable, do you mean by that they wholeheartedly supported the Nazi policy?

A I cannot voice a judgment on a wider circle on Block and Zellenleiters; in order to do that I should have a wider circle of acquaintances among the Blockleiters and Zellenleiters in peacetime.

Q But now completely judged and a person who disapproved of the Nazi policy, and I imagine a person who had watched the political situation in Germany carefully and with some anxiety - now from your observation as such, can you tell me whether you would consider the people who held the positions of Block and Zellenleiters before the war were people who wholeheartedly supported the Nazi policy?

A I cannot and do not want to maintain that because there is an essential difference - whether I am politically reliable or whether I seem to be politically reliable.

H0950-0072

Q I quite appreciate what you mean. Would I be right in saying that from all their actions and their behavior the persons who held the positions of Blockleiters and Zellenleiters up to the beginning of the war appeared to be wholeheartedly supporters of the Nazi party?

A I could not agree to that.

Q Well, then, would you tell me what you agree to?

A I cannot agree to the assumption that a man having been in with the peacetime Block or Zellenleiters must necessarily be stamped as a party fanatic or convinced party member.

Q Well, would he do everything he was told by the party?

A I do not know whether the Block or Zellenleiters had received special directives to be executed by them from the party.

Q Well, but you know, do you not, that the Block and Zellenleiter both during the war and before the war were continuing to receive instructions in one sort or another by their party leaders?

A Yes, and I have described several times our tasks and duties. I was referring to special party directive which extended beyond the area of activities such as air raid measures.

Q I'll come back to where we started. I'm not concerned for the moment about the directives that they received. I'm simply asking you would it appear that the people who held the positions of Block and Zellenleiters were supporters of the Nazi party?

A In public it seemed as such.

Q Now, when the war came were there many of the people holding the position of Block and Zellenleiter who were called up to the Army and had to be replaced?

A Yes.

Q You spoke about civil servants like yourself being appointed to replace them. Were there many civil servants who did take over positions of Block and Zellenleiters?

A Within the call, there was an increasing number of civil servants who became Block and Zellenleiters.

Q Can you give me any idea of the estimate of that total number?

A It is impossible.

H0950-0073

Q And you, of course, cannot say whether the others were opposed or did it under protest or not?

A I know of a number of Block and Zellenleiters who tried their best to be able to evade the acceptance of such a post.

Q How many do you know if?

A Within my near environment -- 45.

Q Passing to another matter, you told that the Block and Zellenleiter were not regarded as Hoheitstraeger.

A That is correct.

Q For the purpose of the record I would like just perhaps to read out a short paragraph which was referred to this morning, but not, I think, actually read. I refer to the bound volume of Der Hoheitstraeger for 1939, PS 2958, US 325, and which was quoted to show that Der Hoheitstraeger included nobody below the Ortsgruppenleiter. I quote from that from page 1 of the February 1939 edition where it sets out the distribution. It says this -- in accordance with the instructions of the Reichsorganizationsleiter, it is received by the following Hoheitstraeger and Political Leaders in the Organizationsbuch and Ortsgruppenleiters, and it then sets out the various leiters down to Ortsgruppenleiter. I'll ask you one question to make the point clear. If that was the total -- that list was the total of Hoheitstraeger, would there have been any reason for inserting the words "the following" in that sentence?

A I did not completely understand the question.

Q You see that that is to be distributed to the following Hoheitstraeger. Well, if that list included all the Hoheitstraeger and if there were no other Hoheitstraeger besides those included in the list, would there be any reason for inserting the words "the following"?

A I want to leave the point alone, and I do not know the point really. Whether this has a special meaning "the following" or whether it is merely a lack of cleverness on the part of the editor.

Q I only want to refer you to one other document on that point. Do you know that in the organization book for 1943, and I assume for every other year as well. I'm sure Dr. Nath will correct me if I'm wrong. The Hoheits-

H0950-0074

traeger are set out as follows: I refer to PS 1893, at page #3 of the English translation, which will be found in the leadership corps document book. I understand it is page 98 of the original copy. The Hoheitstraeger set out as follows: The Fuehrer, the Gauleiters, the Kreisleiters, the Ortsgruppenleiters, the Zellenleiters, and the Blockleiters, and the sectors of sovereignty are the Reich, Gauleiters, Kreisleiters, Ortsgruppenleiters, Zellenleiters and Blockleiters. If the Block and Zellenleiters were not Hoheitstraegers, can you explain for them being set out as such in the official organization book of the party?

A I have no explanation for that.

Q I want to go on to one further matter.

DR. NATH: The witness wishes to make an additional explanation.

A I said before I had no explanation for it. If opposite to the reality, the organization book contains the titles of Block and Zellenleiters listed within the Hoheitstraeger, it may be a project for the future.

Q Very well, now you have spoken to us or rather you have told us too a number of matters during the course of your evidence. For instance, the Jews, churches, and other matters. Did you know personally any Block or Zellenleiter before the war started?

A Yes.

Q How many did you know?

A I know very well two Blockleiters and one Zellenleiter.

H0950-0075

Q When you gave us your evidence about these matters were you expressing the views and those three persons held or were you expressing only your own views on those persons like yourself before and during the war?

A I have only voiced the experiences of my comrades and who were with me.

LT. COLONEL GRIFFITH JONES: I have no further questions

MR. TAYLOR: Does the other counsel desire to cross-exar

BY COLONEL KEROV (Russian prosecution)

Q Is it correct that your having been persecuted due to the refusals to release to SA. Were there any laws or directives which permitted them mixing of SA into Jewish problems, legal matters?

A The situation with the two SA men was the external reason for the local SA leader to report about me to the SA man, Oberr The report included as a main point against me the fact that I was supposed to have spread the rumor that it was the Nazi party and not the communists who had put fire to the Reichspost.

Q Is it in fact so that SA and Gestapo were forcing their opinions upon the court?

A Obernitz has made his report to the Ministry of Justice, and he has declared that I was incompetent with my position.

Q The resigning civil servant - would it have impressed considerably for him to resign the party as well as the authorities

A The reason which the civil servant had for his resignation from the party which was decisive. If it was done his political reasons which was the case most likely in most cases, he would have to figure on a disciplinary which might end his dismissal fror the service.

Q So it is a fact that the party and state authorities un Hitler formed a common front and recollected with each other in a common aim and goal?

A The basic principle which was valid was that party and state was one and upon this principle they acted.

H0950-0076

Q Were you told to follow the commands of the leaders blindly and without any thought on your own?

A That is what Hitler and his gang wished to achieve, but the largest part of the people was not critical enough to fall for such a motto.

Q Will you please state the fact that the blind confiden received upon the leaders leads him to do whatever he wishes to do;

A Never.

BY LT. COLONEL GRIFFITH JONES:

Q There was one matter which I had wished to ask a few questions on. May I ask permission to do so. Witness, we have heard during the course of this inquiry a certain amount about the party court. Can you tell us what the functions of that court were

A I have never spoken of the party court.

Q Did you know that the Nazi party ran a court of their own - a judicial, criminal proceedings?

A I knew. I was conscious of the fact that the party did have courts, so called honor courts.

Q Do you know anything of the function of those courts or what they did?

A I know nothing in detail or in general.

Q Do you know whether persons who committed crimes or party members who committed crimes were tried by that court and not by the normal state courts?

A In my opinion the high courts heard cases of more or less severe infractions of high disciplines.

LT. COLONEL GRIFFITH JONES: All right.

BY DR. NATH (DEFENSE COUNSEL)

Q The English prosecution has referred to the organization book, page 98, listing the Hoheitstraeger. This book was edited by Ley. This book also lists Zellenleiters and Blockleiters as Hoheitstraegers. Am I permitted to submit an affidavit for the purpose of having it put on record which refers to the way the book was put together and the value of the book. I shall permit myself

H0950-0077

to have this document translated as quickly as possible and to submit it to the judge and to the gentlemen of the prosecution. May I be permitted to read to you the essential parts of this affidavit The affidavit was made by Karl Hederich. It has been notorized by an Allied officer in this building. His name is not very well dediphered. Hederich was a deputy chairman of the Commission for National Social publication from 1934 to 1945. Members of the Commission consisted of among others the office of Geobbels, Rust, Rosenberg, and Amann. The Reich organization had an expert in the person of Oberbefehlsleiter, Chief Commander leader, Seltzner. May I call attention of the Commission to this book which the prosecution has quoted has been authored by the Reichsorganizationsleiter Ley. His deputy in this Commission was Seltzner. The maker of this affidavit, Mr. Hederich, describes the tasks of this Commissic Up to the year 1935, the National Socialism contained the definitic of the organizational tasks of the party. Due to the leaving of the SA of the political leadership, a reorganization had become necessary in the year 1932. I'm still quoting extracts. That is why a new organizational plan had to be made up in the years 1935 and 1936. The party chairmanship was reorganized into offices. Th draft of this plan of organization was with the advisor in such matters, Mehnert. Mehnert was in the organization office of the NSDAP. Before the first publication of the organizational book, Bouhler made a report to the Fuehrer. The maker of the affidavit states that possibly the Reichorganization also reported to the Fuehrer. I am quoting verbally. "I, myself, have been instructed only by Bouhler for whom I was deputized. Bouhler at that time told me that the Fuehrer did not want to put himself on record officiall, and authoratively regarding the organizational structure. Otherwise he realized well that the Reichsorganizationsleiter needed a preliminary basis for his work." I am quoting literally, page 3 of the document. Previously certain questions had come up regarding the extention of the concept of Hoheitstraeger. I, myself, had pointed out to the expert in such matters, Mehnert, that according to the

H0950-0078

the directives of the Fuehrer or his deputy, respectively Block and Zellenleiters were not to be regarded as Hoheitstraeger. Mehnert answered this as merely a matter of organizational form. The inclination of the Block and Zellenleiter within the concept of Hoheitstraeger would not, in fact, have anything at all. He based his views on the fact that unless he included Block and Zellenleiters into the concept of Hoheitstraeger, which included th others and their staff, it would have been necessary to create a third category for that it was quite clear that despite the extension of the Hoheitstraeger, Block and Zellenleiters were not to be burdened with any extended authority. No change should have been made in practice in their position as it is. I know that Block and Zellenleiters never had the authority to exercise the privileg and rights of a Hoheitstraeger. The Ortsgruppenleiter were toward the bottom -- the lowest real Hoheitstraeger with right of meeting and disciplinary rights." The affidavit is dated 13 June 1946.

LT. COLONEL GRIFFITH JONES: We will get an English copy of that as soon as possible?

DR. NATH: Yes.

MR. TAYLOR: Are there any objections on the part of the prosecution as to the offer of the affidavit in evidence.

LT. COLONEL GRIFFITH JONES: I have no objections.

MR. TAYLOR: The affidavit will be received in evidence and marked defense exhibit P. L.-5____. Is there any further testimony desired from this witness?

Witness will be excused.

DR. NATH: The witness would like to make another remar

BY MR. TAYLOR:

Very well proceed.

WITNESS: The matter I referred to is that very often it has been said that there is such a thing as a Reich directive publication, extending from the first war years, which was said to be a party directive or similar order, according to which during wartime no regular Block and Zellenleiter were permitted to be ap-

H0950-0079

pointed. The Reichsverfugungsblatt is an authorative order of the party.

MR. TAYLOR: Witness excused.

(THE COMMISSION ADJOURNED AT 1530 HOURS)

The foregoing is a true and correct transcript of the testimony of DR. ERNST HIRT, taken on 13 and 14th June, 1946.

Bernice Winkler
Reporter

Dorothie J. Noll
Reporter

Bernice Winkler
Reporter

CERTIFIED TO:

A. M. Neave
Commissioner

George Taylor
Commissioner